

Message Text

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E.O. 11652: N/A
TAGS: PINT, KS
SUBJECT: TRIAL OF KIM CHI-HA

REF: STATE 221784

1. AP REPORT THAT ROKG HAS REINSTATED LIFE SENTENCE FOR KIM CHI-HA IN ORDER TO KEEP HIM IN PRISON PENDING HIS TRIAL FOR VIOLATION OF ANTI-COMMUNIST LAW IS ESSENTIALLY ACCURATE IN FACT BUT SOMEWHAT INACCURATE IN ITS IMPLICATION.
2. PRESIDENT PARK'S FEBRUARY DIRECTIVE SUSPENDING EXECUTION OF THE SENTENCES OF KIM AND OTHERS CONVICTED UNDER EMERGENCY MEASURES WAS A SUSPENSION NOT A REVOCATION OF THE SENTENCES. IMPLICIT IN THE DIRECTIVE WAS FACT THAT KIM AND OTHERS SUCH AS BISHOP CHI COULD BE RETURNED TO PRISON AT ANY TIME TO CONTINUE THEIR SENTENCES IF THEY STEPPED OUT OF LINE. IN FACT, WHEN KIM CHI-HA WAS RETURNED TO PRISON IN MARCH, REASON GIVEN BY AUTHORITIES WAS THAT HE HAD VIOLATED THE CONDITIONS OF HIS RELEASE. HE WAS SUBSEQUENTLY FORMALLY CHARGED WITH VIOLATING THE ANTI-COMMUNIST LAW.
3. THERE HAS BEEN NO FORMAL ANNOUNCEMENT THAT KIM HAS RESUMED HIS LIFE SENTENCE. ALL THAT WOULD BE REQUIRED TO FULFILL THE LEGAL NICETIES IS AN ORDER FROM THE MILITARY COURT THAT CONVICTED KIM TERMINATING HIS PAROLE. HIS ARREST IN MARCH RENDERS THIS SOMEWHAT MOOT. LOCAL MEDIA DID NOT CARRY AP STORY.

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4. WITH RESPECT TO AP LINE THAT KIM SHOULD HAVE BEEN FREED SEPT. 17 BECAUSE COURT HAD NOT CONCLUDED FIRST ROUND TRIAL PROCEDURES WITHIN SIX MONTHS OF HIS ARREST; SUCH A REQUIREMENT DOES EXIST. HOWEVER, IT HAS BEEN IGNORED IN POLITICAL CASES AND IN KIM'S CASE AS AP STATES, AUTHORITIES HAD HIS EARLIER CONVICTION TO FALL BACK ON AS LEGAL JUSTIFICATION FOR NOT RELEASING HIM FROM PRISON.

5. TECHNICALLY, IT MIGHT BE CONTENDED THAT SIX MONTH DEADLINE DOES NOT APPLY IN KIM'S CASE SINCE FIRST SESSION OF HIS ANTI-COMMUNIST TRIAL WAS SCHEDULED FOR MAY 19. IN POINT OF FACT, JUST PRIOR TO FIRST SESSION, KIM FILED CHALLENGE AGAINST PRESIDING JUDGE AND TRIAL WAS THUS DELAYED PENDING RESULTS OF THE CHALLENGE. IN JUNE AND JULY, APPELATE AND SUPREME COURTS DENIED THE CHALLENGE.

6. PRESIDING JUDGE FOR KIM'S TRIAL IS SCHEDULED TO RETURN FROM JAPAN SEPTEMBER 23. WE HAVE NO INFORMATION AS TO WHEN TRIAL WILL BEGIN.

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